

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EARTH SCIENCE LABORATORIES, INC.,

Plaintiff,

CASE NO. 8:16-cv-128

v.

JAMES JERRED, a/k/a RUSS JERRED,

ORDER

Defendant.

This matter is before the Court on this 31st day of March, 2016, upon the Plaintiff's Motion for Temporary Restraining Order ("TRO"). A hearing was held on this matter, and Heidi Guttau-Fox appeared on behalf of the Plaintiff and Claude Berreckman Jr. appeared on behalf of the Defendant. At the hearing, the parties indicated that they agreed to entry of the TRO and also preliminary injunction so that the parties may conduct expedited discovery before a hearing on a permanent injunction. Such agreement shall not be construed as an admission against interest of either party. Upon consideration of the parties' agreement and the Plaintiff's Motion, Complaint, and evidence submitted therewith, the Court finds that the Plaintiff has established a right to a TRO and preliminary injunction. The Court finds that the Plaintiff has shown a probability of success, irreparable injury will result to the Plaintiff if the Motion is not granted, and that the balance of harms and the interests of the public favor granting the Motion. Accordingly,

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for a TRO is granted. The parties' agreement to entry of a preliminary injunction is also granted.

2. Defendant is restrained and prohibited from possessing, disclosing, selling or otherwise distributing ESL's confidential and proprietary business information and documents.

3. The parties may conduct expedited discovery at this time.

4. The parties will submit briefs and evidence regarding Plaintiff's request for a permanent injunction pursuant to the following stipulated schedule:

a. Plaintiff will submit its brief and evidence no later than May 11, 2016.

b. Defendant will submit his responsive brief no later than May 31, 2016.

c. Plaintiff may submit a reply brief no later than June 7, 2016.

5. Oral argument is scheduled for June 16, 2016 at 1:30 p.m..

6. Per the parties' agreement, Plaintiff will act as its own surety and no further bond is required at this time.

Entered and dated this 31st day of March, 2016.

s/ Joseph F. Bataillon
Senior United States District Judge

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